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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 PLOT USA INC.,

8 Plaintiff,

9 v.

10 TAKESHI "SEAN" HAYAKAWA, *et al.*

11 Defendants.

Case No. 2:18-cv-00922-JAD-GWF

ORDER

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13 This matter is before the Court on Plaintiff's Motion for Enlargement of Time to Serve
14 Defendant Yukari Hidaka and to Serve by Publication (ECF No. 21), filed August 13, 2018. To
15 date, no response has been filed and the time for which has now passed.

16 Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is located
17 are followed in matters pertaining to service of summons by publication. Nev. R. Civ. P.
18 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown,
19 the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of
20 summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a
21 verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic
22 standard for determining what is, or is not due diligence. *Abreu v. Gilmer*, 985 P. 2d 746, 749
23 (1999).

24 Plaintiff argues that it has shown due diligence. Plaintiff, through the use of a private
25 investigator, represents that it has attempted to serve Defendant Yukari Hidaka ("Defendant") at
26 multiple locations. Plaintiff located all addresses associated with Defendant in both California
27 and Nevada, to no avail. Plaintiff's counsel represents that she has communicated with
28 Defendant Hayakawa's counsel (via telephone and email) on several occasions and during such

1 time, Defendant Hayakawa's counsel indicated that if Defendant was served, the Cohen IP Law
2 Group would likely represent her. Plaintiff's counsel further indicates that she attempted to
3 contact Michael Cohen Esq., of Cohen IP Law Group. To date, counsel has not received a
4 response from Cohen IP Law Group.

5 Based on the foregoing, the Court finds that Plaintiff has demonstrated due diligence that
6 warrants an order allowing Defendant Yukari Hidaka to be served by publication. Accordingly,

7 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Enlargement of Time to Serve
8 Defendant Yukari Hidaka and to Serve by Publication (ECF No. 21) is **granted**. Defendant
9 Yukari Hidaka may be served by Plaintiff through publication of the summons and complaint in
10 this case at least once a week for four (4) consecutive weeks in the Nevada Legal News which is
11 a newspaper of general circulation published in Las Vegas, Nevada.

12 **IT IS FURTHER ORDERED** that Plaintiff shall have until **December 4, 2018**, to
13 complete service upon Defendant Yukari Hidaka.

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15 Dated this 5th day of September, 2018.

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GEORGE FOLEY, JR.
19 UNITED STATES MAGISTRATE JUDGE
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